

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES FIDELITY &)	
GUARANTY COMPANY,)	
Plaintiff,)	
)	
v.)	
DICK CORPORATION/BARTON MALOW,)	Civil Action No. 01-698
a joint venture defendant;)	Magistrate Judge Sensenich
DICK CORPORATION; BARTON MALOW)	(CONSENT)
COMPANY; SPORTS & EXHIBITION)	Re: Doc. Nos. 104, 106, 126
AUTHORITY; PITTSBURGH ASSOCIATES)	
AND ALLEGHENY REGIONAL ASSET)	
DISTRICT; and THORNTON-TOMASETTI)	
GROUP, INC.;)	
Defendants.)	

ORDER

AND NOW this 31st day of March, 2006;

For the reasons set forth in the Opinion filed this
date;

IT IS HEREBY ORDERED that Plaintiff's Motion for
Summary Judgment is granted as to all Counts of Defendants'
Counterclaim (Counts I through IV), and as to Count II of the
Complaint filed at 01-698, to the extent that its motion is
seeking a judicial declaration that it is entitled to a reduction
in the penal amount of the bond.

IT IS FURTHER ORDERED that Defendants' Motion for
Partial Summary Judgment is granted as to the following counts in
the Complaint filed at 01-698: Count II, in that USF&G's
entitlement to a reduction in the penal amount of the bond is
subject to later adjustments to that amount if it receives
reimbursement for any of the \$8,456,179 it contributed under the

IFA; the portion of Count IV that alleges that DBM did not provide proper notice of default to USF&G; the portion of Count IV that alleges that DBM does not have a proper claim under the Performance Bond; Count I; and Count III.

IT IS FURTHER ORDERED that Defendants' Motion for Partial Summary Judgment is granted as to Count V of the Complaint filed at 01-1638.

IT IS FURTHER ORDERED that Defendants' Motion for Partial Summary Judgment is denied as to Plaintiff's claim in Count II of the Complaint filed at 01-698 for reimbursement of \$8,456,179 that USF&G advanced to DBM under the IFA.

IT IS FURTHER ORDERED that Defendants' Motion for Partial Summary Judgment is denied as to Counts I, II, III and IV of the Complaint filed at 01-1638.

IT IS FURTHER ORDERED that Defendants' Motion to Add Steadfast as a Counter-Plaintiff under Rule 21 or, in the Alternative, for Acceptance of Steadfast's Ratification Agreement, or its Joinder under Rule 17(a), is denied.

s/Ila Jeanne Sensenich
ILA JEANNE SENSENICH
United States Magistrate Judge

cc: All parties of record, electronically